

June 7, 1999

DURHAM, NORTH CAROLINA
MONDAY, JUNE 7, 1999
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, a Resolution Honoring Durham County's General Services Department was read. The Mayor requested a moment of silence in memory of Senator Kenneth Royall.

Council Member Burnette requested that the following item be added to the agenda for discussion later in the meeting. Also, Council Member Burnette disclosed that Larry Hester is her first cousin.

SUBJECT: RECEIVE COMMENTS FROM THE PUBLIC ON ROLLING HILLS

MOTION by Council Member Burnette seconded by Council Member McKissick to add this matter to the agenda was approved at 7:40 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cox and Larson. Absent: None.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell recognized the Public Works Director for a brief report on water pressures in southern Durham. With regard to Consent #4 [GIS DATA & Distribution Policy], Assistant City Manager John Pedersen informed the council that the County Commissioners objected to providing free copies of the first five letter size maps for customers accessing the GIS system from one of the free public access sites. Mr. Pedersen asked the council to approve the policy reflecting a charge of \$2.00 per map.

City Manager Ewell requested that Consent Item 12 be removed from the agenda and referred to the Finance Committee.

City Clerk Bowers informed the council of the valid protest petition filed against GBA #7 [Zoning Case P98-86, Bristol-Cardiff

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Capital, L.L.C.].

There were no priority items from the City Attorney.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. It was noted that Consent Item 12 was being referred to the Finance Committee as requested earlier by the manager.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: CONTRACT WITH PARKWOOD VOLUNTEER FIRE DEPARTMENT FOR SUPPLEMENTAL FIRE PROTECTION SERVICES - SOUTHPOINT AREA

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a five-year contract with Parkwood Volunteer Fire Department for supplemental fire protection in the Southpoint area of the City was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH THE FREELON GROUP, INCORPORATED FOR ARCHITECTURAL SERVICES FOR FIRE STATION 14 - UMSTEAD AND BIVINS ROADS INTERSECTION SITE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with The Freelon Group, Incorporated in the amount of \$42,500 for architectural services, plus \$2,000 for associated geotechnical testing and engineering fees, for Fire Station 14 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: FISCAL YEAR 1998-99 TRANSPORTATION GRANT PROJECT
ORDINANCE - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

MOTION by Council Member Larson seconded by Council Member Miller to adopt the "City of Durham and North Carolina Department of Transportation Section 104(f) and Section 133(b)(3)(7) Transportation Planning Grant Project Ordinance - FY 1998-99 Superseding Grant Project Ordinance 11459" in the amount of \$392,062.00 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: GIS DATA ACCESS AND DISTRIBUTION POLICY

MOTION by Council Member Larson seconded by Council Member Miller to adopt the City of Durham/County of Durham GIS Data Access and Distribution Policy which establishes a countywide policy and fee structure for the management of GIS data access and distribution as amended [\$2.00 per map for customers accessing the GIS System] was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LIFE FIRE TRAINING EXERCISE - BURNING OF STRUCTURE AT
2505 SOUTH ALSTON AVENUE**

MOTION by Council Member Larson seconded by Council Member Miller to approve the request to burn a structure located at 2505 South Alston Avenue on June 11, 1999 for live fire training exercises for the City of Durham Fire Department was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LIFE FIRE TRAINING EXERCISE - BURNING OF STRUCTURE AT
1524 AND 1526 CAMDEN AVENUE**

MOTION by Council Member Larson seconded by Council Member Miller to approve the request to burn two vacant structures located at 1524 and 1526 Camden Avenue on June 25, 1999 for live fire

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training exercises for the City of Durham Fire Department was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED REVISION TO DURHAM CITY CODE, SECTION 12-22 - POSSESSION OF DANGEROUS WEAPONS WHILE ON OR IN CITY PROPERTY

MOTION by Council Member Larson seconded by Council Member Miller to adopt an "Ordinance to Amend Section 12-22(b)(1) of the Durham City Code Relating to Possession of Dangerous Weapons While on or in City Property" was approved at 10:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - KEYSTONE TECHNOLOGY PARK, BUILDINGS 7 AND 9-12

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for Keystone Technology Park, Buildings 7 and 9-12, submitted by HagerSmith Design PA, consisting of five buildings used for flex space totalling 356,269 square feet, proposed on 31.49 acres, zoned I-2 and located south of Hopson Road, east of Davis Drive, and north of the Wake County line (Tax Map #584-2-13A) was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION SETTING PUBLIC HEARING ON COUNCIL-INITIATED ZONING ORDINANCE AMENDMENT (TC 88-99)

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Designating Zoning Ordinance Text Amendment as a Council-Initiated Zoning Amendment and Setting Public Hearing Regarding Such Amendment" on Monday, June 21, 1999 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: VOLUNTARY ANNEXATION PETITION - PAGEHURST DEVELOPMENT

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the voluntary annexation petition for the Pagehurst development; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58; and

To adopt a resolution setting a public hearing on Monday, June 21, 1999, 7:30 p.m. to consider the annexation of Pagehurst was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: INTERIM LICENSE AGREEMENT WITH INTERPATH COMMUNICATIONS

To authorize the City Manager to execute an interim license agreement with Interpath Communications, Inc. to install fiber optic cable in designated rights of way.

Earlier in the meeting, City Manager Ewell requested that this item be referred to the Finance Committee.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the Finance Committee was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH CIMLAND, L.L.C. FOR HORTON HILLS, PHASES 6 AND 7

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Cimland, L.L.C. for the extension of City water and sewer service to Horton Hills, Phases 6 and 7, a 19.5 acre lot residential subdivision located north of Horton Road was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: WATER EXTENSION AGREEMENT WITH C. S. PROPERTIES, L.L.C.
-DELTA PARK WEST LOCATED NORTH SIDE OF BENNETT MEMORIAL
ROAD**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water Extension Agreement with C.S. Properties, L.L.C. for the extension of City water service to Delta Park West, a 3.5 acre office/warehouse development located on the north side of Bennett Memorial Road was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT - TRINITY SCHOOL OF DURHAM
AND CHAPEL HILL, INC., CAMBRIDGE AND PICKETT ROADS**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water Extension Agreement with Trinity School of Durham and Chapel Hill, Inc. for the extension of City water to serve a 22 acre private school site located at the northwest corner of the intersection of Cambridge and Pickett Roads was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-196, STREET IMPROVEMENTS - B & B PAVING
COMPANY, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with B & B Paving Company, Inc. in the amount of \$1,371,870.23 for Contract ST-196, Street Improvements; and

To authorize the expenditure of \$1,470,000 from the Street Paving Bond Account; and

To authorize the expenditure of \$104,000 from the Sewer Extensions and Improvements Account; and

To authorize the expenditure of \$105,000 from the Water Extensions and Improvements Account; and

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To authorize the expenditure of \$73,000 from the Traffic Calming Account was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT ST-198, NELLO L. TEER COMPANY - FLEET MAINTENANCE LOT REPAIR

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Nello L. Teer Company in the amount of \$96,470 for Contract ST-198, Fleet Maintenance Lot Repair; and

To authorize the expenditure of \$101,160 from the Fleet Maintenance Lot Repair Account was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT WS-74 WITH J. F. WILKERSON CONTRACTING COMPANY, INC. - SEWER OUTFALLS, SEWER MAINS, WATER MAINS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with J. F. Wilkerson Contracting Company, Inc. for Contract WS-74, Sewer Outfalls, Sewer Mains and Water Mains; and

To authorize the expenditure of \$915,000 from the Sewer Extensions and Improvements Account; and

To authorize the expenditure of \$240,000 from the Water Extensions and Improvements Account; and

To authorize the expenditure of \$252,000 from the Two-Inch Replacement Account was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ACQUISITION OF PROPERTY AND LEASEHOLD INTEREST FOR THE

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DURHAM CENTRAL PARK - 500 AND 502 FOSTER STREET

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements of 500 and 502 Foster Street, being Tax Map #61-03-005 and Tax Map #61-03-006, owned by Martin Vern Terry, for \$183,500; and to approve payment for the remaining leasehold interests of Commercial Security Solutions, Inc. and Mike's Transmission, Inc. for \$59,168 for the two leaseholds; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11385 Concerning Durham Central Park Land Acquisition"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11678 Concerning Open Space and Greenway Preservation was approved at 10:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAPITAL PROJECT ORDINANCE SUPERSEDING ORDINANCE #11677 CONCERNING AMERICAN TOBACCO TRAIL - MOREHEAD AVENUE TO CORNWALLIS ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Capital Project Ordinance Superseding Ordinance #11677 Concerning American Tobacco Trail - Morehead Avenue to Cornwallis Road" reflecting recent changes in uses for 1990 Bonds was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT FOR RENOVATION OF PLAYGROUNDS AT OLD FARM SHADY OAKS, WHITE OAK, AND EAST MAIN STREET PARKS - POLOVICK CONSTRUCTION COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Polovick Construction Company, Inc. in the amount of \$254,000 for the renovation of the playgrounds at Old Farm, Shady Oaks, White Oak, and East Main Street Parks was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: REPORT ON QUALITY OF LIFE ORDINANCE

MOTION by Council Member Larson seconded by Council Member Miller to receive a report on ordinances related to quality of life was approved at 10:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: UPDATED STATUS REPORT ON YEAR 2000 PROJECT

MOTION by Council Member Larson seconded by Council Member Miller to receive an updated status report on the Year 2000 Project was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TWENTY-FIVE MILER PER HOUR SPEED LIMIT - EBON ROAD

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Ebon Road beginning at the west curb line of Barbee Road, if extended, and extending westward to Fayetteville Road was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - URBAN AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Urban Avenue beginning at the west curb line of Duke Street, if extended, and extending westward to Buchanan Boulevard was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGN - HONOR DRIVE

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MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Honor Drive at Fitzgerald Street, southwest corner was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE - MARBREY LANDING, WILLIAMSBURG
SUBDIVISION, YORKFIELD SUBDIVISION, WYNDCROSS
SUBDIVISION AND CROOKED CREEK PHASE II**

MOTION by Council Member Larson seconded by Council Member Miller to accept certain Streets, as listed below, for maintenance by the City of Durham was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Marbrey Landing

1. Thistlerock Lane - from the centerline of Armitage Drive northward to the end of Phase VII at STA 21 + 00 (1,100')
2. East Lilyfield Court - from the centerline of Thistlerock Lane east thru the cul-de-sac (157')
3. West Lilyfield Court - from the centerline of Thistlerock Lane west thru the cul-de-sac (167')
4. Sugar Maple Court - from the centerline of Thistlerock Lane west thru the cul-de-sac (167')
5. Perigrine Way - from the centerline of North Berrymeadow Lane west thru the cul-de-sac (161')
6. North Berrymeadow Lane - from the centerline of Thistlerock Lane north to the end of Phase VII at STA 12 + 40 (240')
7. South Berrymeadow Lane - from the centerline of Thistlerock Lane southward thru the cul-de-sac (494')

Williamsburg Subdivision

1. Bettie Lane - from the centerline of Williamsburg Road southward to the end of pavement at STA 1 + 19.47 (119')

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Yorkfield Subidivision

1. Yorkfield Court - from the centerline of Yorktown Avenue northward thru the cul-de-sac (882')

Wyndcross Subdivsion

1. Winding Arch Drive - from the south curblin of Herndon Road westward to the end of Phase I at STA 6 + 75 (625')
2. Guilder Cove - from the centerline of Winding Arch Drive north thru the cul-de-sac (345')

Crooked Creek - Phase II

1. Forge Road - from the beginning of Phase III westward thru the cul-de-sac (345')
2. Windcrest Road - from the centerline of Forge Road northward to the end of Phase II (960')
3. Brevard Court - from the centerline of Windcrest Road northward thru the cul-de-sac (300')

SUBJECT: Sewer Main - East Rockway Street from South Property Line of Tax Map 740-2-5 to South Property Line of Tax Map 740-1-7 under Enabling Act Authority

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, June 21, 1999 to consider ordering sewer main improvements on East Rockway Street from south property line of Tax Map 740-2-5 to south property line of Tax Map 740-1-7 under the Enabling Act Authority was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: Sewer Main - Cook Road from East Property Line of Tax Map 411-2-4 to West Property Line of Tax Map 411-2-3 (Mini Assessment Roll)

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Josephine L. Henderson, identified as Tax Map #512-1-2, Cook Road, Lot 9, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$7,875.00 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - New Mt. Moriah Road from Watkins Road Outfall to South Property Line of Tax Map 483-1-4 (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Elaine G. Medlin, identified as Tax Map #478-1-10, 3716 New Mt. Moriah Road, part of Tract 5, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,500.00 was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Watkins Road from Chapel Hill Road to North Property Line of Tax Map #483-1-22 (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller

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to find that the property of Frank and Mary B. Doucette, identified as Tax Map #471-1-2, Watkins Road, Lot 1, vacant, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$22,052.98 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Curb, Gutter and Paving and Water and Sewer Laterals - Rockford Road from Chowan Avenue South to South Property Line Tax Map 408-13-5

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering curb, gutter and paving and water and sewer laterals on Rockford Road from Chowan Avenue south to south property line Tax Map 408-13-5 was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 1999-2000 CITY OF DURHAM PRELIMINARY BUDGET

To receive citizens' comments concerning the FY 1999-2000 City of Durham Preliminary Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mark Gottlieb, President of the Durham Police Officers's Association, asked the council to amend the city manager's proposed 2 percent salary adjustment so that police officers would get cost-of-living and hazardous pay increases over the next three years.

Maxine Burns spoke in support of constructing a park on Cook Road.

Helen Jones spoke in support of a park in the Forest View Heights

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Community.

George Bridges spoke in support of a park in the Forest View Heights Community.

Philip Vereen spoke in support of a park on Cook Road.

George Hausen spoke in support of Latino Outreach. He suggested that Consumer Credit Counseling Services administer the funds in the budget for Hispanic outreach.

Amy McCullough, representing CCCS, spoke in support of outreach to the Latino Community.

Glyndola Beasely, representing CCCS, asked council for their continued support of Consumer Credit Counseling Services in the upcoming budget.

Mike Shiflett spoke in support of funding for a Historic District study.

Joel Kostyu asked council to maintain the manager's plan to dedicate eight more police officers to the unit that patrol downtown Durham.

Bill Kalkhof spoke in support of additional officers for downtown Durham.

John Best, Jr. urged council to cut the tax rate and give the police officers the raise they're requesting.

Mayor Tennyson asked if there were other individuals present wanting to speak. The public hearing was declared closed by the Mayor.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the FY 1999-2000 City of Durham Preliminary Budget was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED CHANGES TO MINIMUM HOUSING CODE

To receive citizens' comments concerning the following proposed changes to the Minimum Housing Code to:

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- a. set a temperature variance limit for heat in residential units,
- b. set a minimum for electrical service at 100 amp service,
- c. require exterior doors be solid doors not hollow core doors,
- d. require dead bolts on exterior doors,
- e. clarify the public officer's authority under the Code to order the repair of dwellings which are not in compliance with the Code, and
- f. change the Code concerning stairway railings heights to bring the Code into conformity with the State Building Code.

To adopt "An Ordinance Amending Various Provisions of Article VI, Chapter 6 of the Durham City Code Pertaining to the Minimum Housing Code."

The following citizens spoke in support of changes to the minimum housing code: Ralph McKinney; Wendy Michener; Steve Hopkins; Fern Gunn; Mr. Alvanzeo; Mike Shiflett; Gloria Beamon and Lorisa Seibel.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda. Also, Council Member Larson requested that each item be voted on separately.

Council Member Cox noted that Items c and d were not addressed as a part of the revisions.

Kendall Abernathy of the Housing Department stated that Items c and d are not being recommended for approval at this time due to a conflict with the state building code.

A substitute motion was made by Council Member McKissick to approve Items a; b; e; and f and refer Items c and d to the administration to seek the changes needed.

Council Member Larson stated he would amend his motion to approve Items a; b; e; and f and refer Items c and d to the administration as stated by Council Member McKissick.

Council Member McKissick asked the administration to carefully monitor the heat variance provision.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments on proposed changes to the

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Minimum Housing Code; and

To clarify the public officer's authority under the Code to order the repair of dwellings which are not in compliance with the Code [Section 1] was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to set a temperature variance limit for heat in residential units [Section 2] was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to set a minimum for electrical service at 100 amp service [Section 3] was approved at 9:42 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Larson, McKissick and Miller. Noes: Mayor Tennyson and Council Members Langley. Absent: None.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to change the Code concerning stairway railings heights to bring the Code into conformity with the State Building Code [Section 4] was approved at 9:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve Section 5 [handrails having minimum and maximum heights of 30" and 38" respectively, measured vertically from the nose of the treads, shall be provided on at least one side of stairways of four or more risers] was approved at 9:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to refer the following proposed changes to the Minimum Housing Code to the administration to seek the necessary changes

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needed from the Building Code Council was approved at 9:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- c. Require exterior doors be solid doors not hollow core doors
- d. Require dead bolts on exterior doors

SUBJECT: ZONING MATTER CASE P98-86, BRISTOL-CARDIFF CAPITAL, L.L.C., GUESS ROAD AND SOUTH OF HORTON ROAD

Case: P98-86

Applicant: Bristol-Cardiff Capital, L.L.C.

Location: 8.83 acres east of Guess Road and south of Horton Road (Tax Map 313-1-7, 7A, 7B, 7C, 8, 9, 10 and 11)

Request: Rezoning from R-8 (Residential 8 District) and R-10 (Residential 10 District); E-B (Eno Basin Watershed Protection Overlay District) to MU(D) (Mixed Use District with a Development Plan); E-B (Eno Basin Watershed Protection Overlay District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out R-8 and R-10; E-B and placing same in and establishing same as MU(D); E-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Approval

Note: Valid Protest Petition filed against this rezoning request.

Attorney Jack Markham, representing the applicant, requested that this rezoning request be continued until the June 21, 1999 City Council Meeting.

Mayor Tennyson opened the public hearing.

MOTION by Council Member Blyth seconded by Council Member Engelhard to continue the public hearing until the June 21, 1999 City Council Meeting was approved at 9:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: ZONING MATTER CASE P98-87, JAVAD KARGAR, EAST SIDE OF
ALSTON AVENUE BETWEEN CARPENTER FLETCHER ROAD AND I-40**

Case: P98-87

Applicant: Javad Kargar

Location: The site is located on the east side of Alston Avenue between Carpenter-Fletcher Road and I-40 (Tax Map 547, Block 1, Lot 3B)

Request: Rezoning from OI-2 (General Office and Institutional District) and R-20 (Residential 20 District) to I-2(D) (Light Industrial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and R-20 and placing same in and establishing same as I-2(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Dan Jewel, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and R-20 and placing same in and establishing same as I-2(D) was approved at 10:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and Miller. Noes: Council Member McKissick. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-89, CONTRAVEST, INC., WEST SIDE
OF NC 55 BETWEEN CORNWALLIS ROAD AND RIDDLE ROAD**

Case: P98-89

Applicant: Contravest, Inc.

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Location: 70.59 acres on the west side of NC 55 between Cornwallis Road and Riddle Road, identified as Tax Map 407, Block 1, Lot 2 (partial)

Request: Rezoning from PDR 12.07 (Planned Density Residential District with 12.07 Units Per Acre) and OI-2 (General and Institutional District) to RM-12(D) (Apartment Residential District at 12 Units Per Acre with a Development Plan) and OI-1 (Transitional Office and Institutional District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR 12.07 and OI-2 and placing same in and establishing same as RM-12(D) and OI-1.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

A representative of the applicant spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR 12.07 and OI-2 and placing same in and establishing same as RM-12(D) and OI-1 was approved at 10:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P99-16, TICON PROPERTIES, LLC, 922 MORREENE ROAD

Case: P99-16

Applicant: Ticon Properties, LLC

Location: The 2.87-acre site consists of 4 parcels located at 922 Morreene Road, identified as Tax Map 290, Block 2, Lots 2, 3 and 4; and Tax Map 290, Block 3, Lot 1 (partial).

Request: Rezoning from RM-12 (Multifamily Residential District, maximum of 12 dwelling units per acre) and OI-1(D) (Transitional Office and Institutional District with a Development Plan) to OI-

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1(D) (Transitional Office and Institutional District with a Development Plan)--**Change in Development Plan.**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and OI-1(D) and placing same in and establishing same as OI-1(D)--Change in Development Plan.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tiffany Farley, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and OI-1(D) and placing same in and establishing same as OI-1(D)--Change in Development Plan was approved at 10:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: DURHAM HOMELESS COMMISSION

MOTION by Council Member Larson seconded by Council Member Miller to approve the creation of a Durham Homeless Commission and to direct the Administration to work with County staff on developing recommendations for structuring and staffing the Commission was approved at 10:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: METROPOLITAN PLANNING ORGANIZATION LEGISLATION

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MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a status report from the Administration on pending legislation regarding Metropolitan Planning Organizations; and

To authorize the Mayor, on behalf of the Durham City Council, to send a letter to the legislative delegation requesting that the pending Metropolitan Planning Organization legislation (SB 1164 and HB 1288) be referred to a Study Commission for further consideration was approved at 10:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION IN SUPPORT OF THE NORTHERN DURHAM PARKWAY - RECOMMENDED BY THE JOINT CITY-COUNTY PLANNING COMMITTEE

To adopt a "Resolution Concerning the Durham Northwest and Northeast Loop ("Eno Drive") and to Endorse the Northern Durham Parkway and Innovative Measures to Increase Transportation Options."

The following individuals spoke in support of this item: Wayne Cash; Brian Morton, Phillip Vereen; and Frances Lynn.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Concerning the Durham Northwest and Northeast Loop (Eno Drive) and to Endorse the Northern Durham Parkway and Innovative Measures to Increase Transportation Options was approved at 10:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

SUBJECT: 1999 HOLIDAY PARADE PLANNER AND SPONSORSHIP MANAGEMENT CONTRACT - THE TRIANGLE TRIBUNE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with The Triangle Tribune in the amount of \$17,500 to develop the plans, promote, coordinate and manage sponsorships for the 1999 Holiday Parade; and

To authorize the City Manager to make revisions to the contract such that the contractor's obligations are not lessened and the

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City's obligations are not increased was approved at 7:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REQUEST FROM THE RALEIGH, DURHAM CHAPEL HILL - GREATER TRIANGLE CHAPTER INTERNATIONAL SPECIAL EVENTS SOCIETY (ISES) REGARDING FIREWORKS

MOTION by Council Member Larson seconded by Council Member Miller to approve a request from ISES for the display and discharge of fireworks on June 23, 1999 to assist in a demonstration of different types of fireworks available for use in special events was approved at 10:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: STATUS REPORT ON CURRENT HOUSING PROJECTS

MOTION by Council Member Larson seconded by Council Member Miller to receive the Status Report on Current Housing Projects was approved at 10:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED SPENDING PLAN AND SCHEDULE OF FUNDS AVAILABILITY FOR FY 99/00 - AFFORDABLE HOUSING

To receive the report and adopt the Funds for Affordable Housing Spending Plan and the Schedule of Funds Availability for FY 99/00 housing programs and to request the Administration to bring back in July, through the Finance Committee, the adopted policies under which Request for Proposals will be written to be reviewed by Council.

A motion was made by Council Member Cox to refer this item to the Finance Committee and request staff to submit report on the spending plan. This motion was seconded by Council Member Brown.

SUBSTITUTE MOTION by Larson seconded by Council Member Blyth to

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receive the report and adopt the Funds for Affordable Housing Spending Plan and the Schedule of Funds Availability for FY 99/00 housing programs and to request the Administration to bring back in July, through the Finance Committee, the adopted policies under which Request for Proposals will be written to be reviewed by Council was approved at 10:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Engelhard, Griffin, Jacobs, Langley and Larson. Noes: Council Members Burnette, Cox, McKissick, Miller and Brown. Absent: None.

[SUPPLEMENTAL ITEM]

SUBJECT: RESOLUTION HONORING DURHAM COUNTY'S GENERAL SERVICES DEPARTMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution honoring employees of the General Services Department of Durham County for their assistance and efforts in the areas of solid waste management and neighborhood cleanups was approved at 10:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[ITEM ADDED TO THE AGENDA]

SUBJECT: RECEIVE PUBLIC COMMENTS - ROLLING HILLS

The following individuals asked council to reconsider the manager's recommendation regarding foreclosure of Rollings Hills: Denise Hester; Larry Hester; Attorney Eric Michaux; Mr. Barnes; Wanda Coker; Ms. Kelley; Archie Rockmond; Beverly Mangum; and Sharon Price.

A motion was made by Council Member Cox to receive the comments from the citizens on Rolling Hills. This motion was seconded by Council Member Larson.

A substitute motion was made by Council Member Miller to ask the staff to present options and a proposal to council [inclusive of the proposal submitted by Rollings Hills] for review at the July 1999 Finance Committee Meeting. This motion was seconded by Council Member Langley.

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SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Blyth seconded by Council Member Larson to affirm the manager's decision on foreclosure and to ask the manager to respond to the allegations made by Denise Hester within 30 days was approved at 12:15 a.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cox, Jacobs, Larson, Griffin and Blyth. Noes: Council Members Langley, Burnette, McKissick, Miller, Brown and Engelhard. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 12:16 a.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk